

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

Full Circle of Living and Dying, et al.,

Plaintiffs,

v.

Gina Sanchez, in her official capacity as  
Bureau Chief of the Cemetery and Funeral  
Bureau, et al.,

Defendants.

No. 2:20-cv-01306-KJM-KJN

ORDER GRANTING MOTION OF  
COMPASSION & CHOICES FOR  
LEAVE TO FILE AMICUS BRIEF  
IN SUPPORT OF PLAINTIFFS'  
MOTION FOR SUMMARY  
JUDGMENT

Third party moves for leave to file a brief as amicus curiae. ECF No. 33. Specifically, Compassion & Choices seeks leave to file a brief in support of plaintiffs' motion for summary judgment, ECF No. 34. The motion is unopposed. For the foregoing reasons, the court **grants the motion.**

**I. BACKGROUND**

Plaintiff Full Circle of Living and Dying and its doulas offer advice, counseling and other services to families and loved ones of those who are dying. It is not a licensed funeral home, and the individual plaintiffs, Full Circle's doulas, are not licensed funeral directors. In November 2019, defendant California Cemetery and Funeral Bureau demanded the individual plaintiffs become licensed Funeral Directors and that Full Circle qualify as a Licensed Funeral Establishment, and that plaintiffs cease operations and advertising their services in the meantime;

1 the Bureau threatened fines and prosecution if they did not. Full Circle alleged this threat and the  
 2 law on which the regulators rely violate their rights to freedom of speech and substantive due  
 3 process under the Fifth and Fourteenth Amendments. On December 28, 2020, this court granted  
 4 plaintiffs' motion for preliminary injunction and denied defendants' motion to dismiss. On  
 5 November 19, 2021, plaintiffs and defendants filed cross-motions for summary judgment.  
 6 Compassion & Choices also filed a motion for leave to file amicus brief. Defendants have not  
 7 opposed this motion.

## 8 **II. LEGAL STANDARD**

9 The district court has broad discretion regarding the appointment of amici. *Hoptowit v.*  
 10 *Ray*, 682 F.2d 1237, 1260 (9th Cir. 1982); *In re Roxford Foods Litig.*, 790 F. Supp. 987, 997  
 11 (E.D. Cal. 1991) ("The privilege of being heard amicus rests solely within the discretion of the  
 12 court" (citation omitted)). "An amicus brief should normally be allowed" when, among other  
 13 considerations, "the amicus has unique information or perspective that can help the court beyond  
 14 the help that the lawyers for the parties are able to provide." *Cnty. Ass'n for Restoration of Env't*  
 15 *(CARE) v. DeRuyter Bros. Dairy*, 54 F. Supp. 2d 974, 975 (E.D. Wash. 1999) (citing *N. Sec. Co.*  
 16 *v. United States*, 191 U.S. 555, 556 (1903)).

17 While "[h]istorically, amicus curiae is an impartial individual who suggests the  
 18 interpretation and status of the law, gives information concerning it, and advises the Court in  
 19 order that justice may be done, rather than to advocate a point of view so that a cause may be won  
 20 by one party or another[.]" *CARE*, 54 F. Supp. 2d at 975, the Ninth Circuit has said "there is no  
 21 rule that amici must be totally disinterested." *Funbus Sys., Inc. v. State of Cal. Pub. Utilities*  
 22 *Comm'n.*, 801 F.2d 1120, 1125 (9th Cir. 1986) (citation omitted); *Hoptowit*, 682 F.2d at  
 23 1260 (upholding district court's appointment of amicus curiae, even though amicus entirely  
 24 supported only one party's arguments).

## 25 **III. DISCUSSION**

26 Here, "Compassion & Choices is a non-profit organization whose mission is to improve  
 27 end-of life care, expand end-of-life options, and empower everyone to chart their end-of-life  
 28 journey." Mot. at 3. "Its services include educating the public about the importance of end-of-

1 life planning and about the range of end-of-life services available, advocating for expanded end-  
2 of-life options and medical practices that prioritize patients, and defending against efforts to  
3 restrict access to existing end-of life options.” *Id.* Compassion & Choices seeks to “comment on  
4 the issues at stake in this litigation,” primarily “whether death doulas should be regulated as  
5 funeral directors.” *Id.*

6 The court finds Compassion & Choices’ proposed brief provides helpful context about the  
7 unique role of death doulas, as well as a focused legal analysis as to why death doulas should not  
8 be subject to the same regulations as funeral homes or funeral directors. *See* Memorandum (ECF  
9 33-1) at 5-16. Its brief is likely to assist the court in making a well-informed decision regarding  
10 the distinctions between the services provided by funeral homes or directors and death doulas,  
11 including those unaffiliated with Full Circle. *NGV Gaming, Ltd. v. Upstream Point Molate, LLC*,  
12 355 F. Supp. 2d 1061, 1067 (N.D. Cal. 2005) (“District courts frequently welcome amicus briefs  
13 from non-parties concerning legal issues that have potential ramifications beyond the parties  
14 directly involved”) (citation omitted).

15 Accordingly, the motion to file an amicus brief is **granted**.

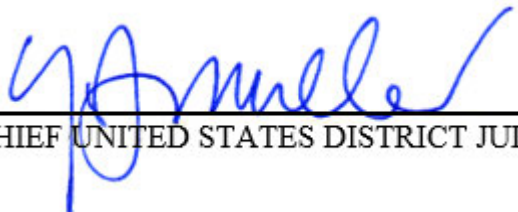
16 **IV. CONCLUSION**

17 The motion is **granted**.

18 This order resolves ECF No. 33.

19 IT IS SO ORDERED.

20 DATED: February 3, 2022.

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CHIEF UNITED STATES DISTRICT JUDGE